

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

TODD GOLDMAN,

Plaintiff,

– against –

ELI WEISMAN,

Defendant.

**ORDER**

23-cv-9602 (ER)

Ramos, D.J.:

This case was filed in New York state court on September 6, 2023 and removed on November 1, 2023. Doc. 1. Weisman sought leave to file a motion to dismiss on November 14, 2023 (Doc. 3), and the Court heard arguments with respect to the anticipated motion to dismiss at a telephonic conference on December 13, 2023 (*see* Doc. 4). At that conference, Goldman represented that he intended to amend his complaint, and the result would take the amount in controversy below the \$75,000 threshold required for diversity jurisdiction. The Court directed Goldman to file the amended complaint by December 15, 2023 and move to remand.

Later the same day, Goldman filed a letter motion to remand the case, purporting to attach an amended complaint filed in the state court docket, but with no exhibit attached. Doc. 5. The next day, December 14, 2023, Weisman opposed remand, arguing that Goldman was engaged in forum shopping. Doc. 6.

Also on December 14, 2023, Goldman filed what purports to be an amended complaint, though it indicates that it was filed in the New York state court action rather than the instant federal action.<sup>1</sup> Doc. 7. The amended complaint states that Goldman seeks damages of \$50,000

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<sup>1</sup> The document was rejected for the same reason (*i.e.*, that the caption reflected the New York state court and index number), and Goldman's attorney was directed to refile (Dec. 15, 2023 Docket Text), but he has not done so.

on each of his two causes of action. *Id.* The total damages sought in the amended complaint therefore appears to be \$100,000—above the \$75,000 threshold for subject matter jurisdiction.

The parties are directed to appear at a status conference on January 19, 2024 at 10 a.m. before the Honorable Edgardo Ramos in Courtroom 619 of the United States Courthouse, 40 Foley Square, New York, NY.

It is SO ORDERED.

Dated: January 8, 2024  
New York, New York



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Edgardo Ramos, U.S.D.J.